

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

02/11/2015

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
K. Schermerhorn
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER
D & C MATERIALS-CSC

TRIAL MINUTE ENTRY
DAY FORTY

Courtroom SCT-5C

State's Attorney:	Juan Martinez
Defendant's Attorney:	Kirk Nurmi & Jennifer Willmott
Defendant:	Present
Court Reporters:	Marla Arnold & Mike Babicky

Court Reporter, Marla Arnold, is present.

A record of the proceeding is also made by audio and/or videotape.

Prior to commencement State's Exhibit 929 is marked for identification.

9:37 a.m. Trial to Jury continues from 2/9/15.

The Jury is present.

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Robert Brown is sworn and testifies.

10:28 a.m. Court stands at recess.

10:43 a.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Marla Arnold, is present.

A record of the proceeding is also made by audio and/or videotape.

The Jury is not present.

Court and counsel discuss matters.

10:48 a.m. The Jury is now present.

Robert Brown testifies further.

Defense Exhibit 930 is marked for identification.

The Defense offers Defense Exhibit 930 and it is admitted in evidence.

Defense Exhibit 931 is marked for identification.

The Defense offers Defense Exhibit 931 and it is admitted in evidence.

Defense Exhibits 932 and 933 are marked for identification.

The Defense offers Defense Exhibit 932 and it is admitted in evidence.

The Defense offers Defense Exhibit 933 and it is NOT admitted in evidence.

Defense Exhibit 934 is marked for identification.

The Defense offers Defense Exhibit 934 and it is admitted in evidence.

Defense Exhibit 935 is marked for identification.

The Defense offers Defense Exhibit 935 and it is admitted in evidence.

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LET THE RECORD REFLECT the Court has received a question from the Jury. Same is discussed by Court and counsel and is asked of the witness.

Filed: Juror Question (1)

12:09 p.m. The Jury leaves the courtroom and Court remains in session.

Court and counsel discuss matters.

The witness is excused.

12:10 p.m. Court stands at recess.

1:24 p.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

The Jury is not present.

Defendant's Motion to Reconsider Motion to Preclude Testimony of Mesa PD Detective Smith for Failure to Timely Disclose Report Prior to Testimony is argued and denied for the reasons as stated on the record.

Court and counsel discuss matters.

1:41 p.m. The Jury is now present.

Perry Smith is sworn and testifies.

2:05 p.m. The Jury leaves the courtroom and Court remains in session.

Court and counsel discuss matters.

2:08 p.m. The Jury is now present.

Perry Smith testifies further.

The witness is excused.

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2:09 p.m. The Jury leaves the courtroom and Court remains in session.

Court and counsel discuss matters.

2:43 p.m. Court stands at recess.

2:54 p.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

The Jury is not present.

Court and counsel discuss matters.

2:58 p.m. Court stands at recess until 2/12/15 at 10:00 a.m. in this division.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Later:

The Court has considered the media request to release the transcript of the proceeding conducted in chambers on October 30, 2014. The State does not object to release of the transcript. Defendant objects to release of transcript pages 17 through 22 and pages 27 and 28. The Court has reviewed the entire transcript. The Court previously sealed the proceeding to determine whether the defendant's request to testify in a sealed proceeding should be granted. The Arizona Court of Appeals issued a ruling that the defendant may not testify in a sealed proceeding. The defendant filed a petition for review with the Arizona Supreme Court. The Arizona Supreme Court denied the Petition for Review. Accordingly, the Court finds no legal basis to seal the transcript from the proceeding conducted in chambers on October 30, 2014.

IT IS ORDERED unsealing the proceeding conducted in chambers on October 30, 2014.